



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 14, 1995

Mr. Edward Schweninger
Assistant Criminal District Attorney--Civil Section
Bexar County Justice Center
300 Dolorosa, Suite 4049
San Antonio, Texas 78205

OR95-769

Dear Mr. Schweninger:

Bexar County (the "county") received a request for information concerning the county's legal bills. You have asked whether this information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 34424.

The requestor asked for "copies of all detailed billings by Matthews & Branscomb and Campos, Figueroa, Barrera & Harvey to the County beginning last July." Additionally, the requestor asked for the law firms' total annual billings to the county, beginning with 1990. We assume the annual billings have already been disclosed to the requestor, as you do not argue that the annual billings are excepted from disclosure. However, you assert that the detailed billings are excepted from disclosure pursuant to section 552.103(a).


To show the applicability of section 552.103(a), the city must show that (1) litigation is pending or reasonably anticipated and (2) the information at issue is related to that litigation. *Heard v. Houston Post Co.*, 684 S.W.2d 210, 212 (Tex. App.--Houston [1st Dist.] 1984, writ ref'd n.r.e.); Open Records Decision Nos. 551 (1990), 350 (1982) at 3 (whether litigation is reasonably anticipated must be determined on a case-by-case basis). You supplied information indicating that litigation is pending against the county concerning allegations of wrongful conduct by county employees. You have provided to this office for review, as responsive to the requests, detailed statements of law firm

billings for work done in connection with the litigation.¹ We agree that section 552.103(a) is applicable to the detailed descriptions in the billing statements. However, the other information in the billing statements, such as hours worked, total amounts billed, and other general billing information, must be released to the requestor. Open Records Decision No. 233 (1980) at 2. We have marked the information that may be withheld from disclosure under section 552.103(a).²

We assume that the detailed descriptions have not been previously seen by the opposing parties to the litigation. Absent special circumstances, once information has been obtained by all parties to the litigation, for example, through discovery or otherwise, no section 552.103(a) interest exists with respect to that information. Open Records Decision No. 349 (1982) at 2. We note that the applicability of section 552.103(a) also ends once the litigation has concluded. Attorney General Opinion MW-575 (1982) at 2; Open Records Decision No. 350 (1982) at 3.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy
Assistant Attorney General
Open Government Section

¹We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988) (where requested documents are numerous and repetitive, a governmental body should submit representative samples, but if each record contains substantially different information then all must be submitted). This open records decision does not reach and therefore does not authorize the withholding of any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

²You also assert that the billings are excepted from disclosure under section 552.107(1), which protects information that reveals client confidences and attorney advice, opinion, and recommendation. The information showing attorney hours worked, fees, and other general billing information, does not reveal client confidences or attorney advice, opinion, and recommendation. Since we have already determined that the detailed descriptions may be excepted under section 552.103(a), we do not need to address your section 552.107(1) argument.

RHS/rho

Ref.: ID# 34424

Enclosures: Marked documents

cc: Mr. Rick Casey
P.O. Box 2171
San Antonio, Texas 78297-2171
(w/o enclosures)